

GAHC010226442018



2026:GAU-AS:3007

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/7111/2018

NIKHIL BAIDYA

S/O- LATE NARESH BAIDYA, R/O- STATION ROAD, SILAPATHAR, P.S-
SILAPATHAR, P.O- SILAPATHAR, DIST- DHEMAJI, ASSAM, PIN-

VERSUS

THE UNION OF INDIA AND 3 ORS
THROUGH THE MIN OF DEFENCE, NEW DELHI

2:THE BRIGADIER
63 ENGINEER REGIMENT
REYIANG
DHEMAJI
ASSAM
REGIMENT (BENG)
APS CIRCLE
PIN- 914063
C/O- 99 APO

3:THE LIEUTENANT COLONEL
63 ENGINEER REGIMENT

REYIANG
DHEMAJI
ASSAM
REGIMENT (BENG) APS CIRCLE
PIN- 9104063
C/O- 99 APO

4:THE OC
282 FD COY
TUTING UNDER 63 ENGINEER REGIMENT

REYIANG
DHEMAJI
ASSAM
REGIMENT (BENG)
APS CIRCLE
PIN- 914063
C/O- 99 AP

For the Petitioner(s) : Mr. S. Sur, Advocate

For the Respondent(s) : Mr. S. S. Roy, CGC

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 26.02.2026

Heard Mr. S. Sur, the learned counsel appearing on behalf of the Petitioner and Mr. S. S. Roy, the learned CGC appearing on behalf of the Respondents.

2. This Court has duly taken note of the order dated 12.02.2026 passed by the learned Coordinate Bench of this Court wherein the instructions so placed by Mr. S. S. Roy, the learned CGC was taken into account.

3. It is relevant to take note of that as per the instructions of the Respondents so placed, there was no contract entered into by the Respondents with the Petitioner. Further to that, it is also mentioned that the allegation that an amount of Rs.3,00,000/- was transferred to the Petitioner's brother's account was also

false taking into account that no such amount was ever transferred.

4. This Court also takes note of that in view of the said instructions being placed, time was granted to the Petitioner to obtain instructions. However, no such instructions have been placed on record.

5. Taking into account the above, it therefore appears that in the instant writ petition, there are serious disputed questions of facts as to whether the Petitioner was at all granted any contract and further to that, as to whether the Respondents have at all paid Rs.3,00,000/- to the Petitioner's brother's account.

6. Considering the above, it is the opinion of this Court that the present writ petition is not a fit case to be entertained under Article 226 of the Constitution.

7. Accordingly, the instant writ petition stands dismissed.

8. The dismissal of the instant writ petition however shall not preclude the Petitioner to avail remedies before the competent Civil Court, if otherwise permissible under law.

JUDGE